

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IN/PA-210	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/MN 02/00233	International filing date (day/month/year) 13.12.2002	Priority date (day/month/year) 13.12.2002	
International Patent Classification (IPC) or both national classification and IPC A61K35/00			
Applicant DUBEY, Gobind, Prasad			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application

Date of submission of the demand 15.03.2004	Date of completion of this report 20.04.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Friederich, M Telephone No. +49 89 2399-7860

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International application No. PCT/AU 02/00233

I. Basis of the report

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as published

Claims, Numbers

1-4 as published

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - the language of publication of the international application (under Rule 48.3(b)).
 - the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
 - the claims, Nos.:
 - the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

- 6. Additional observations, if necessary:**

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-4
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-4
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-4
	No:	Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: DATABASE WPI Week 200264, Derwent Publications Ltd., London, GB; AN 2002-593959 & JP 2002 154978 A (UMA KK) 28 May 2002
- D2: DATABASE WPI Week 199708, Derwent Publications Ltd., London, GB; AN 1997-083394 & JP 08 325 159 A (AKABANE T) 10 December 1996
- D3: DATABASE WPI Week 200278, Derwent Publications Ltd., London, GB; AN 2002-714517 & CN 1 359 643 A (TIANYUAN HIPPOPHAE RHAMNOIDES BEVERAGE C) 24 July 2002
- D4: DATABASE WPI Week 200012, Derwent Publications Ltd., London, GB; AN 2000-127246 & CN 1 226 405 A (TONG Z) 25 August 1999
- D5: US 2002 026 656 A1

Art. 33(2) The present application meets the requirements of Article 33(2) PCT, because the subject-matter of claims 1-4 appears to be new in the sense of Article 33(2) PCT.

The prior art cited in the search report (D1-D5) does not disclose the combination of *Dioscorea bulbifera*, *Hippophae rhamnoides* and *Bacopa monieri*.

Art. 33(3) The subject-matter of claims 1-4 appears to involve an inventive step in the sense of Art. 33(3) PCT.

There is no indication in the prior art at hand that *Dioscorea bulbifera*, *Hippophae rhamnoides* and *Bacopa monieri* should be combined for the treatment of cardiovascular or neurologic disorders.

Art. 33(4) The subject-matter of claims 1-4 is considered to be industrially applicable in

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the sense of Art. 33(4) PCT.